IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 17TH AUGUST 2007 / 26TH SRAVANA 1929

CRL.A.No. 372 of 2002()

CC.28/2000 of JUDL.MAGISTRATE OF FIRST CLASS COURT-I, PATHANAMTHITTA

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APPELLANT: APPELLANT:

U. SUDHEER, KUNNATHUSSERIL HOUSE,
VALLICODE, PATHANAMTHITTA.

BY ADV. SRI.ALEXANDER PETER

RESPONDENTS: RESPONDENTS:

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1. PRASANTH KUMAR, UDAYA BHAVANAM,
ANGADICAL NORTH, KAIPATTOOR.

2. STATE OF KERALA, REP. BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR, SRI AMJAD ALI

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 17/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.R.UDAYABHANU, J.

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Crl.A.No.372 of 2002(B)

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Dated this the 17th day of August, 2007

J U D G M E N T

The appellant is the complainant in C.C.No.28/2000 in the file of the Judicial Magistrate of the First Class, Pathanamthitta, with respect to the proceedings initiated under Section 138 of the Negotiable Instruments Act. The accused was acquitted under Section 256(1) of the Code of Criminal Procedure. It is submitted that the lapse was occasioned due to unavoidable circumstances.

In the circumstances, the order of acquittal is set aside. The court below is directed to permit the appellant/complainant to further pursue the matter and dispose of the case on merits. The appellant shall appear before the court below on 18/09/2007. The court below shall issue fresh summons to the accused.

The appeal is allowed.

K.R.UDAYABHANU,
Judge

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K.R.UDAYABHANU, J.

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Crl.A.No.372 of 2002(B)

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J U D G M E N T

17th August, 2007